

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 12-20630-Cr-Lenard

UNITED STATES OF AMERICA,  
Plaintiff,

v.

MICHAEL R. CASEY,  
Defendant,

and

LEXINGTON NATIONAL  
INSURANCE CORPORATION,  
Corporate Surety.

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**4:18mj1042**

United States Courts  
Southern District of Texas  
FILED

*July 02, 2018*

David J. Bradley, Clerk of Court

**ORDER OF REVOCATION AND DECLARATION OF BOND FORFEITURE**

THIS MATTER is before the Court on the United States' motion for revocation and declaration of bond forfeiture. The Court having considered the Motion and being duly advised in the premises, it is ORDERED AND ADJUDGED that the Motion is GRANTED. It is

**ORDERED AND ADJUDGED** that the appearance bond of defendant Michael R. Casey in the sum of \$50,000 corporate surety bond is hereby revoked and declared forfeited.

**DONE AND ORDERED** in chambers in 4th, Florida, this 4th day of September, 2014.

  
JOAN A. LENARD  
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record

Clerk of the Court, Financial Section  
400 N. Miami Ave.  
Miami, Florida 33128

Lexington National Insurance Corporation  
Sabreen A. Abdullah, agent  
1399 N.W. 17 Ave. #306A  
Miami, Florida 33125  
(Corporate Surety)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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UNITED STATES OF AMERICA,  
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**UNITED STATES' MOTION FOR REVOCATION AND  
DECLARATION OF BOND FORFEITURE**

Plaintiff, United States of America, by and through the undersigned Assistant United States Attorney for the Southern District of Florida, pursuant to Fed. R. Crim. P. 46(f), moves for an Order to revoke and declare the forfeiture of the appearance bond consisting of a \$50,000 corporate surety bond.

1. On September 12, 2012, corporate surety Lexington National Insurance Company executed a corporate surety bond in the sum of \$50,000 to guarantee the defendant's appearance as ordered by the Court. D.E. 39. The defendant Michael R. Casey also signed the bond, promising to obey all conditions and acknowledging that he was aware of the penalties for bond violations.

2. The defendant Michael R. Casey has not honored the terms of the appearance bond in that he failed to appear as ordered by the court. The defendant remains a fugitive.

**MEMORANDUM OF LAW**

3. The provisions of Fed. R. Crim. P. 46(f)(1), provides that: “The district court must declare the bail forfeited if a condition of the bond has been breached.” It has been held that the forfeiture required by these provisions is mandatory, even though it may later be set aside under the further provisions of paragraph (f). *See American Druggists, Inc. v. Bogart*, 707 F.2d 1229, 1235 n.5 (11<sup>th</sup> Cir. 1983).

4. The undersigned previously spoke to John Wiley, the defendant’s Court-appointed counsel. Mr. Wiley stated that he took no position on this motion.

WHEREFORE, the United States of America respectfully requests that this Court enter an order revoking and declaring the forfeiture of the bond consisting of the \$50,000 corporate surety bond. A proposed order is attached.

Respectfully submitted,

WIFREDO A. FERRER  
UNITED STATES ATTORNEY

By: s/ Ana Maria Martinez  
ANA MARIA MARTINEZ  
ASSISTANT U.S. ATTORNEY  
Florida Bar No.0735167  
99 N.E. 4th Street  
Miami, FL 33132  
Phone: (305) 961-9431  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 14, 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record on the attached Service List in the manner specified. I also certify that on the same date, a copy of the foregoing document was served *via* U.S. mail to: Clerk of the Court Financial Section, 400 N. Miami Ave., Miami, Florida 33128, and to the Lexington National Insurance Corporation (Corporate Surety) through its agent: Sabreen A. Abdullah, 1399 N.W. 17 Ave. #306A, Miami, Florida 33125.

s/Ana Maria Martinez  
Ana Maria Martinez  
Assistant United States Attorney

**SERVICE LIST**

United States v. Michael R. Casey  
Case No.12-20630-Cr-Lenard  
United States District Court  
Southern District of Florida

<b>Party</b>	<b>Counsel</b>
Plaintiff: United States	Ana Maria Martinez Assistant United States Attorney Email: <a href="mailto:Ana.Maria.Martinez@usdoj.gov">Ana.Maria.Martinez@usdoj.gov</a> 99 N.E. 4th Street Miami, Florida 33132 <b>via Notice of Electronic Filing generated by CM/ECF</b>
Defendant: James C. Howard, III	Michael Caruso Federal Public Defender's Office Email: <a href="mailto:Michael_Caruso@fd.org">Michael_Caruso@fd.org</a> 150 W. Flagler Street, 17 <sup>th</sup> floor Miami, FL 33130 <b>via Notice of Electronic Filing generated by CM/ECF</b>
Defendant: Louis N. Gallo, III	Ken Swartz Email: <a href="mailto:ken@swartzlawyer.com">ken@swartzlawyer.com</a> 100 N. Biscayne Blvd. Miami, FL 33132 <b>via Notice of Electronic Filing generated by CM/ECF</b>
Defendant: Michael R. Casey	John W. Wylie Email: <a href="mailto:jww@johnwylielaw.com">jww@johnwylielaw.com</a> 100 S.E. 2 <sup>nd</sup> St., Suite 2700 Miami, FL 33131 <b>via Notice of Electronic Filing generated by CM/ECF</b>
Defendant: Rita E. Balbirer	Jeffrey E. Feiler Email: <a href="mailto:ana@jeffreyfeiler.com">ana@jeffreyfeiler.com</a> 7685 S.W. 104 <sup>th</sup> Street, Suite 200 Miami, FL 33156 <b>via Notice of Electronic Filing generated by CM/ECF</b>

UNITED STATES DISTRICT COURT

for  
Southern District of Florida

4:18mj1042

U.S.A. vs. Michael Casey Docket No. 12-CR-20630-LENARD

Petition for Action on Conditions of Pretrial Release

COMES NOW Randel Frimet, pretrial services/probation officer, presenting  
an official report upon the conduct of defendant Michael Casey, who was  
placed under pretrial release supervision by the Honorable Alicia Otazo-Reyes, sitting in  
the court at Miami, Florida on the 11th date of September, 2012  
under the following conditions:

1. Surrender all passports and travel documents to the PTS Office. 2. Defendant shall report to PTS as directed. 3. Submit to substance abuse testing and/or treatment as directed by PTS. 4. Refrain from the excessive use of alcohol or any use of a narcotic drug or other controlled substance. 5. Maintain or actively seek full-time employment (Notify PTS when employment is obtained) 6. Avoid all contact with victims of or witnesses to the crimes charged, except through counsel including co-defendants. 7. May not visit commercial transportation establishment airports, seaport/marinas, commercial bus terminals, train stations, etc. 8. Home Confinement Program with Electronic Monitoring with a curfew from 10:00 pm to 6:00 am. The cost of the monitor is to be paid by the defendant and by Pretrial Services. 9. May travel to and from North Carolina (to visit mother) and must notify Pretrial Services of travel plans before leaving and upon his return. 10. Notify PTS prior to moving from his home that is subject to short sale. 11. Not to solicit funds from investors. 12. Not to engage in financial transactions with companies having to do with the Indictment or successor companies.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short, insert here. If lengthy, write on separate sheet and attach.)

The defendant failed to return home by 10:00 pm curfew the evening of April 27, 2014. His current whereabouts are unknown.

PRAYING THAT THE COURT WILL ORDER

ORDER OF COURT

Considered and ordered this 9 day of  
May, 20 14 and ordered filed  
and made a part of the records in the above case.

Joan A. Lenard  
U.S. District Judge/Magistrate Judge

no bond gr

I declare under penalty of perjury that the foregoing  
is true and correct.

Executed on 05/02/2014

Randel Frimet  Randel G. Frimet  
May 2 2014 9:49 AM

U.S. Pretrial Services/Probation Officer

Place Ft. Lauderdale, Florida

UNITED STATES DISTRICT COURT

SOUTHERN

District of

FLORIDA

UNITED STATES OF AMERICA

V.

MICHAEL CASEY

WARRANT FOR ARREST

Case Number: 12-20630-CR-LENARD

4:18mj1042

United States Courts  
Southern District of Texas  
FILED

July 02, 2018

David J. Bradley, Clerk of Court

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Michael Casey

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

- ☐ Indictment ☐ Information ☐ Complaint ☐ Order of court  
☒ Pretrial Release ☐ Probation ☐ Supervised Release ☐ Violation Notice  
Violation Petition Violation Petition Violation

charging him or her with (brief description of offense)

Failure to appear for Status Hearing

X in violation of Title 18 United States Code, Section(s) 3148(a)

X in violation of the conditions of his or her pretrial release imposed by the court

☐ in violation of the conditions of his or her supervision imposed by the court

JOAN A. LENARD

Name of Issuing Officer

Signature of Issuing Officer

UNITED STATES DISTRICT JUDGE

Title of Issuing Officer

April 29, 2014

Date and Location

RETURN

This warrant was received and executed with the arrest of the above-named individual at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		